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INTRODUCTION

This application is a reissue of a U.S. Patent No. 5,971,751. The only new claims in the reissue, Claim 7 and Claim 8, have been rejected under §103(a) over a combination of Mohr (U.S. Patent No. 3,984,738) and Buck (U.S. Patent No. 4,850,854). The Applicant's arguments against the §103(a) rejection were submitted on May 11, 2005. The arguments were unpersuasive. The Examiner maintained the §103(a) rejection over Mohr and Buck and made it final.

In accordance with 37 C.F.R. 1.116(1), the Applicant hereby submits amendments and respectfully requests that they be incorporated into the claims in order to place claims in condition for allowance.

DISCUSSION

1. Claim language

The new claims in this reissue application contain the following language (emphasis added):

Claim 7:

"[a piezoelectric lighter with] an improvement comprising:
said piezoelectric unit including a mechanism for providing an upward force for urging said thumb push cap into an upper normal position; and
a safety apparatus having a *pressure absorbing device* positioned to engage an underside of said thumb push cap to *impede movement of said cap* in addition to said upward force provided by said piezoelectric unit."

Claim 8:

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"[a piezoelectric lighter with] an improvement comprising:

said piezoelectric unit including a mechanism by which an upward force is transmitted to said thumb push cap to urge said cap into an upper normal position; and

a safety apparatus having a **pressure absorbing device** capable of **transmitting an additional upward force** to said thumb push cap to augment the upward force provided by said piezoelectric unit."

Thus the novel feature of the safety apparatus is a "pressure-absorbing device" that acts in concert with the upward force of the piezoelectric unit. The "pressure-absorbing device" resists the movement of the cap down and/or helps push the cap up. The Applicant regrets that there is confusion regarding the identity of the "pressure-absorbing device".

2. Examiner's Arguments

The Examiner issued a §103(a) rejection of the Claims 7 and 8 over a combination of Mohr and Buck patents. Mohr discloses an internal spring in the piezoelectric unit. This spring generates an upward force of the piezoelectric unit as mentioned in Claims 7 and 8. As to Buck, the examiner stated:

"Buck further discloses a **pressure absorbing device** (unnumbered spring to the right of pivot 84 in Fig. 3), that is positioned to engage an underside of the thumb push cap to **impede movement of the cap** and **provide an upward force** that would additional (sic) to any upward force provided by the piezoelectric unit (emphasis added)."

The Examiner concluded that the piezoelectric unit of the present application provides an upward force in accordance with Mohr

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and Buck, while the "pressure-absorbing device" is a spring, that, in accordance with Buck provides additional such force exactly as described in Claims 7 and 8.

3. Prior Applicant's Arguments

The Applicant has previously argued that the unnumbered spring on Figure 3 of Buck does not act as a pressure-absorbing device and does not provide an upward force. The Examiner found the arguments unpersuasive.

4. Applicants Arguments in Agreement with Examiner's Position

The Applicant fully agrees with the Examiner that the "unnumbered spring" on Figure 3 of Buck and spring (312) on Figure 3 of the present application both provide an upward force as well as serve as pressure-absorbing devices. Spring (312) therefore is not the novel "pressure-absorbing device" of Claims 7 and 8.

Instead, the Applicant respectfully draws the Examiner's attention to a "deformable resistance piece" (311), appearing on Figures 2 and 3 of the present application. The Applicant respectfully submits that the piece (311), not the spring (312), is the novel "pressure-absorbing device" of Claims 7 and 8.

Before the "pressure-absorbing device" is identified, its function is described in column 2, line 15 of the disclosure to be "to resist a downwardly pressing force applied by an under age child on the thumb push cap". The "pressure-absorbing device" is then identified in column 4, line 59: "the deformable resistance piece

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311, in fact, provides a resistance effect to the under age children". Thus the piece (311) is a "pressure absorbing-device".

Further, the operation of the piece (311) is described in column 4, line 66 of the disclosure as follows:

"By releasing the thumb-push cap 20, the compressed elastic element 312 [spring] will then rebound to regain its original form to upwardly push the thumb-push cap 20 returning from the lower igniting position (as shown in FIG. 4) to its upper normal position (as shown in FIG. 3) instantly. At that moment, the deformed deformable resistance piece 311 will also restore its original cylindrical shape."

This description refers to Figure 4, that clearly shows how the energy of the elastic deformation of the piece (311) exerts additional upward force on the cap.

Thus, in agreement with the language of Claim 7, the piece (311) is a "pressure-absorbing device" that "impedes the movement of said cap". Similarly, in agreement with the language of Claim 8, the piece (311) is a "pressure-absorbing device" "capable of transmitting an additional upward force to said thumb push cap".

5. Applicant's Amendments are in Agreement with the Examiner's Position

It is clear from the foregoing that the "pressure-absorbing device" in Claims 7 and 8 is the resistance piece (311). Regretfully, the original Claims 7 and 8 create confusion between the piece (311) and spring (312). As Examiner pointed out, the spring is also a "pressure-absorbing device", albeit not novel. The proposed

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amendments merely clarify the distinction between the spring and the resistance piece and are in agreement with the Examiner's position.

CONCLUSION

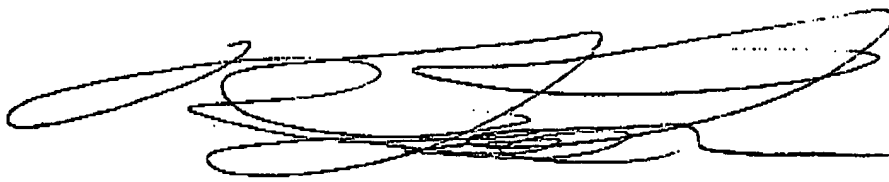
The foregoing amendments add no new matter. The amendments should place Claims 7 and 8 in condition for allowance.

The Examiner is invited to contact the undersigned attorney with any questions. Further, if any fees are required, please deduct the amount from Deposit Account No. 500703 (Trojan Law Offices).

January 20, 2006

Respectfully submitted,

TROJAN LAW OFFICES
by

A large, stylized handwritten signature in black ink, likely belonging to R. Joseph Trojan, is written over a horizontal line.

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